

JAMES CHARLES CRAMER.

APRIL 3, 1896.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GRIFFIN, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 3714.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 3714) removing the charge of desertion from the military record of James Charles Cramer, having had the same under consideration, would respectfully report thereon as follows:

It is shown by the records of the War Department that James C. Cremer, whose name also appears on some records as James C. Cramer, was drafted from the Twenty-fourth subdistrict of Pennsylvania, August 22, 1863, to serve three years; that he was received at Carlisle, Pa., rendezvous November 3, 1863; that he joined Company E, One hundred and forty-eighth Pennsylvania Volunteers, to which he was assigned, and was present therewith until May 10, 1864, when he received a slight gunshot wound of left side at the battle of Po River, Virginia; that he was admitted to Stanton General Hospital, Washington, D. C., May 13, 1864; that he was transferred May 17, 1864, and entered Satterlee General Hospital, West Philadelphia, Pa., May 18, 1864, and that he deserted therefrom June 6, 1864.

Applying for removal of charge of desertion, Cramer declared July 14, 1888, that he was wounded in the left side at the Po River, Virginia, May 10, 1864, was sent to Washington, and thence to Satterlee Hospital, West Philadelphia, for treatment for a wound; that he went home from said hospital and there remained till September, when he returned to his regiment, with which he remained until May, 1865, when he again went home "all broke up in health, hearing gone, and at times clear out of his mind from pain in his head and ears;" that he was then (at the date of his affidavit) able to do but little manual labor because of "wound in left side and deafness of both ears."

Edwin A. Scott, of Imlay City, Mich., late of Company E, Sixty-fourth New York Volunteers, under date of March 15, 1888, testified that he met applicant in the intrenchments in front of Petersburg, Va., in the latter part of November, 1864, applicant being then so deaf that it was difficult to converse with him. This affiant also declared that he remembered that applicant told him in the intrenchments in front of Petersburg in November, 1864, that he had lately returned to his command from hospital.

J. Wesley Allen, M. D., of Altoona, Pa., under date December 13, 1888, testified that he treated applicant after the battle of Mine Run, November 29 and 30, 1863, for deafness; that applicant was also wounded in battle at Po River, May 10, 1864.

John F. Sutton, late captain Company E, One hundred and forty-eighth Pennsylvania Volunteers, under date January 25, 1892, testified that applicant received a gunshot wound in battle at Po River, May 10, 1864; that he went to hospital and returned to the regiment in October, 1864, remaining with it thereafter until the close of the war.

February 19, 1892, Captain Sutton also stated:

Applicant was carried on the rolls as absent wounded till the notice was received of his desertion from Satterlee Hospital June 15, 1864; that his roll from October 31 to December 31, 1864, shows applicant present in company; that he can not say how the other rolls are, as his is so torn he can not make out; but be as they may, they are wrong, for the man was present, as he (the Captain) said in his affidavit, which he made from the rolls and the best knowledge he could of the fact. What makes him, in particular, remember applicant's case is this, that after applicant's return he had occasion to reduce several noncommissioned officers and he was about to appoint applicant for his former good quality as a soldier, but the older recruits began to rebel and he reinstated the men. * * * My company was not under command of any commissioned officer only part of the time, as we had very few. He was, toward the last, in command of the regiment most all the time. This, he thinks, is the cause of the mistake in applicant's case for not being properly taken up on the rolls.

On March 14, 1892, applicant stated that he was in all engagements with his regiment from October, 1864, to the close of the war, and that Dr. Allen gave him "medical attendance" during the winter and spring of 1865.

On March 22, 1892, he testified that he got word in June, 1864, at Satterlee Hospital, Philadelphia, that his wife and children were lying at the point of death; that he tried to get a furlough, but could not; that he then went home, but returned to his company and regiment in October, 1864, and served thereafter with it, being present in all of the engagements in which it participated until May, 1865.

On August 22, 1894, John Tanner, of Roselawn, Ind., late of Company A, Fourteenth New Jersey Volunteers, testified that he became acquainted with applicant during the battle of Cedar Creek, Virginia, October 19, 1864, and that he (applicant) was so very deaf that affiant could "hardly talk to him."

On August 28, 1894, applicant repeated his former testimony as to his having rejoined his company.

The charges of desertion in this case are predicated upon the following circumstances:

First. The soldier left the hospital at West Philadelphia, Pa., June 6, 1864, and went home, but returned to his regiment in September of that year and remained until May, 1865. The soldier, in his affidavit, gives as the reason for his leaving the hospital at the time stated that he received word that his wife and children were lying at the point of death; that he tried to get a furlough, but could not, and then went home. These facts, standing alone, might justify the charge of a technical desertion, but if we are to credit the statement in the affidavit of the beneficiary, it is apparent that in leaving the hospital desertion was not his purpose, but rather to visit his family, who were ill. The return of the soldier to his command in September of the same year, and his service until the close of the war, according to his captain's testimony, negatives the presence of any intention on the part of the soldier to desert, and his conduct as to this first charge of desertion does not vary much from that of many soldiers, who, under like circumstances, visited their families on account of the illness of some member thereof, but returned to their commands, and against whom the charge of desertion was never entered; and, in the opinion of your

committee, the soldier in this case should be excused under the circumstances from the first charge of desertion.

As to the second charge of desertion, occurring in May, 1865, after the close of the war, although the date of the month is not definitely fixed, and notwithstanding the fact that the affidavit of the beneficiary is the only evidence found showing that he served until May, 1865, if such were a fact, he would be excused from the second charge of desertion under the act of March 2, 1889.

In the absence of any proof to the contrary, your committee is inclined to give the soldier the benefit of the doubt, if any exists, and recommend that the bill do pass.

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